

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**NORTHEAST METAL TRADERS, INC.
and WALLACH TRADING CO, INC.**

Plaintiffs/Counterclaim-Defendants,

v.

**TAV HOLDINGS, INC. and JOSEPH
SMITH & SONS, INC.**

Defendants/Counterclaim-Plaintiffs.

NO. 19-cv-01546-JDW

JOINT MOTION FOR A MODIFIED SCHEDULING ORDER

Plaintiffs/Counterclaim-Defendants Northeast Metal Traders, Inc. (“NEMT”) and Wallach Trading Co, Inc. (“Wallach”) (together, “Plaintiffs”) and Defendants/Counterclaim Plaintiffs TAV Holdings, Inc. (“TAV”) and Joseph Smith & Sons, Inc. (“Smith”) (together, “Defendants”) bring this motion requesting a one month extension of dates and deadlines set forth in the Court’s August 12, 2020 scheduling order [Doc. 65].

1. On September 2, 2020, the parties held a telephone conference with the Court during which the Court granted in part and denied in part the parties’ respective discovery motions, ordering the parties to supplement certain aspects of the discovery which has been taken to date.

2. During the telephone conference, the parties also raised a dispute regarding deposition scheduling, which the Court resolved by directing that depositions for Defendants’ principals be held during working days as opposed to on weekends.

3. Since that time, the parties have scheduled the depositions of Paul Smith and Tom Valerio to begin on September 9, 2020, and September 15, 2020, respectively, and continue as needed thereafter.

4. Given the currently operative scheduling deadlines, Plaintiffs have expressed concern that they will not have time to conclude the depositions of Messrs. Smith and Valerio and obtain transcripts of the same in advance of the September 17, 2020, deadline for affirmative expert reports. Defendants are amenable to moving the due date for affirmative expert reports so long as the date for rebuttal reports and the completion of all discovery is moved by a commensurate time period.

5. The parties also require additional time to comply with the Court's rulings on the substantive discovery motions and conduct any follow up discovery which may be necessary.

6. Finally, on August 31, 2020, Aurubis made a substantial production of documents in response to the request under the Hague Evidence Convention. Defendants require time to review and analyze the produced materials in advance of deposing Plaintiffs' representatives.

7. Accordingly, the parties respectfully request that the Court modify the dates and deadlines set forth in the Court's August 12, 2020 scheduling order (and impose new deadlines) as follows:

- a) The parties shall serve affirmative expert reports on or before October 17, 2020;
- b) The parties shall serve rebuttal expert reports on or before November 14, 2020;
- c) The parties shall complete all discovery on or before November 14, 2020;
- d) All dispositive motions shall be filed on or before November 28, 2020.

Dated: September 11, 2020

Respectfully submitted,

/s/ Kevin W. Burdett

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